

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

MARIO ALBERTO DELEON

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CRIMINAL NO. 1:06cr25 LG-JMR

**ORDER DENYING MOTION FOR RETROACTIVE
APPLICATION OF SENTENCING GUIDELINES**

BEFORE THE COURT is the Defendant's pro se Motion [32, 33] for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense pursuant to 18 U.S.C. § 3582. The Government did not file a response. A review of the record in Defendant's case shows that he pled guilty to possession with intent to distribute controlled substances, and was held accountable for between five and 15 kilograms of cocaine hydrochloride. After a reduction for acceptance of responsibility, Defendant's total offense level was 31, with a criminal history category of I. The applicable guideline imprisonment range was 108 to 135 months. However, the Defendant was subject to a 10-year mandatory minimum sentence, making the minimum sentence 120 months imprisonment. This was the sentence Defendant received. He is not eligible for any further reduction, and his motion will be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendant's pro se Motion [32, 33] for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense pursuant to 18 U.S.C. § 3582 is **DENIED**.

SO ORDERED AND ADJUDGED this the 4th day of November, 2009.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE